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Appendix.**CAMP OPERATIONS DIVISION****SELECTIVE SERVICE SYSTEM.**

July 30, 1943

ADMINISTRATIVE DIRECTIVE No. 16 To: All Camp Operating Agencies of Civilian Public Service Camps.

Subject: Use of Assignees to Relieve Agricultural Labor Shortage.

1. This Directive supersedes Administrative Directive No. 6 and covers general plans for use of assignees in assisting to relieve the shortage of agricultural labor. These are the assignment of men to dairy farms or as dairy herd testers on an individual year-round basis, and the use of men in the camps for farm work as part of the regular project work under the Project Superintendent.

2. The above plans have the following points in common:

a. The War Food Administration has certified to the Director of Selective Service that vital agricultural activities, including the dairy industry and the production of certain crops, are work of national importance.

b. The Director of Selective Service has, by appropriate order, designated the agricultural activities listed by the War Food Administration as work of national importance to be performed by assignees.

c. Employers to whom the assignee labor is made available must pay the prevailing wage of the county or area in which the work is performed. Such wages, after deduction of certain expenses enumerated later, are remitted to the Selective Service System for coverage into the Treasury of the United States where they are segregated in a special ac-

count which will be held intact until the termination of hostilities.

d. The National Service Board for Religious Objectors will provide adequate bond to the United States to cover funds paid them by employers.

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5. As stated in paragraph 1, the second plan for the use of assignees in assisting to relieve the shortage of agricultural labor concerns farm work as part of the regular project work of an established camp, and is not on an individual basis. Under this plan, the following procedure is used:

a. The County Agent, as representative of the State Director of Extension, will determine in concurrence with the authorized representative of the State Director of the United States Employment Service that labor for the production of crops listed by the War Food Administration as vital the agricultural production program cannot be supplied.

b. The County Agent calls upon the Project Superintendent to provide men for agricultural labor within a 15-mile radius of the camp. The prevailing wage as determined by the County Farm Wage Board as that which is paid for similar labor in the community when obtained in the open market will be the wage paid by the employer.

c. Farmers needing labor apply to the County Agent who will certify the need to the Project Superintendent in order that men may be placed on farms so far as they are available. Farmers will provide transportation for the men allotted them and pay the prevailing wage to the Project Superintendent.

d. The Project Superintendent will assign men, so far as they are available, to the various farms according to work orders given him by the County Agent. This assignment is part of his regular project work program. He collects the pay due for

assignee services from the farmers and transmits it through the regular Technical Service channels to the Treasury of the United States for segregation in the same fund as money collected for individual farm labor. At the end of each month he will prepare a letter to the Camp Director stating the number of man-days assignees were engaged in farm labor while being provided with food by the camp, sending a copy through his regular channels to the Director of Selective Service.

e. Based upon the letter from the Project Superintendent giving the number of man-days assignees were engaged on farm labor and provided board by the camp, the Camp Director may claim from the National Service Board reimbursement at the rate of the monthly average cost of the Army for the Continental United States on the basis of one ration for each man-day. The Director of Selective Service will inform the National Service Board each month of the average ration cost. The National Service Board will reimburse each Camp Director monthly for rations earned the previous month from the funds it has collected for the services of assignees engaged in individual farm labor.

f. The conditions under which assignees perform farm work under the supervision of the Project Superintendent are exactly the same as those prevailing for any other project work. The work is not voluntary and men refusing to perform farm labor will be subject to prosecution. Regardless of the action taken by the Director, the Project Superintendent will promptly report to the Director of Selective Service, through his regular channels, any man assigned to farm labor who refuses to work.

For the Director,
LEWIS F. KOSCH,
Colonel, Field Artillery,
Chief, Camp Operations Division.

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No. 104

In the Supreme Court of the United States

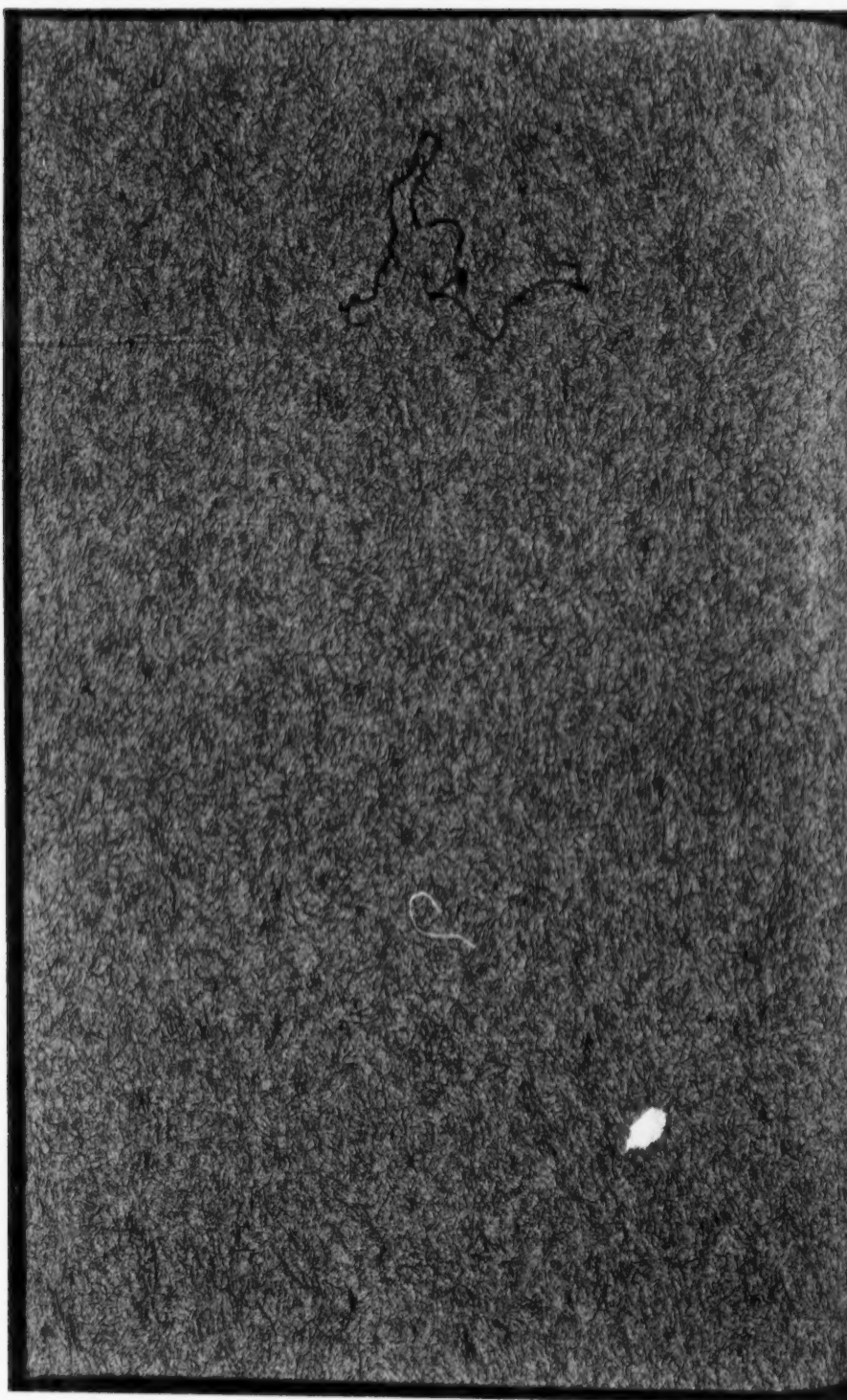
October Term, 1944

ROBERT HOLLAND, Petitioner,

Respondent.

THE DISTRICT COURT OF THE DISTRICT OF COLUMBIA, in and to which cause the within petition was filed for record, do hereby certify that the within petition was filed for record on the 11th day of April, 1945.

WITNESS my hand and the seal of the District Court of the District of Columbia, this 11th day of April, 1945.



In the Supreme Court of the United States

OCTOBER TERM, 1944

No. 1044

ROBERT BOLAND BROOKS, PETITIONER

v.

UNITED STATES OF AMERICA

*ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED
STATES CIRCUIT COURT OF APPEALS FOR THE SECOND
CIRCUIT*

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

Petitioner was indicted in the District Court of the United States for the Southern District of New York in one count charging that he knowingly failed to report to his local draft board for assignment and transportation to a Civilian Public Service Camp for work of national importance, in violation of Section 11 of the Selective Training and Service Act of 1940 (R. 3). His demurrer to the indictment (R. 4-5) on the grounds that the Act and the Selective Service Regulations, in so far as they require conscientious objectors to perform work of national importance in Civilian Public Service Camps, are in violation of the First,

Fifth, and Thirteenth Amendments and the delegation of legislative power principle, and that the regulations establishing such camps for conscientious objectors exceed the authority conferred by the Act, was overruled, and the Government's demurrer (R. 12) to his plea in abatement, which likewise attacked the validity of the camp system (R. 6-11), was sustained (R. 13-20). Petitioner waived a jury trial (R. 21-22, 54), and upon his conviction, he was sentenced to imprisonment for a term of three years (R. 68). Upon appeal to the Circuit Court of Appeals for the Second Circuit, the judgment was affirmed (R. 76-78).

The evidence in support of the conviction consisted of a stipulation (R. 55-67) between the parties, which was admitted in part (R. 25), and petitioner's own testimony (R. 46-50). That part of the stipulation which was admitted in evidence showed that petitioner was a selective service registrant who claimed exemption from military service as a conscientious objector to both combatant and noncombatant military service. He advised his local board, however, that he would refuse to accept assignment to a Civilian Public Service Camp upon the ground that, as a conscientious objector, "he was opposed to any form of compulsory labor in civilian camps" (R. 56). Thereafter, on July 29, 1943, he was classified IV-E, as a conscientious objector opposed to combatant and noncombatant military service. Petitioner was

physically examined and found acceptable, and on October 4, 1943, he was ordered to report for work of national importance by reporting to his local board on October 18, 1943, for instructions and for transportation to the Civilian Public Service Camp to which he had been assigned (R. 55-57). Testifying in his own behalf, petitioner stated that he was a member of the bar of the State of New York and that he refused to report for work of national importance under civilian direction as directed by his local board, because he was opposed to war and to conscription (R. 46-47, 48-50).

In this Court petitioner contends (Pet. 4-9) that the system of Civilian Public Service Camps for conscientious objectors is violative of the First, Fifth, and Thirteenth Amendments, and that it was never contemplated or authorized by Congress. Assuming that these contentions are open to petitioner as matters of defense in this criminal prosecution for failure to comply with an order of his local board directing him to report for work of national importance under civilian direction, we submit that they are without merit. The very same arguments which petitioner makes have previously been unsuccessfully urged upon this Court in *Gormly v. United States*, No. 220, October Term, 1943, certiorari denied, 320 U. S. 753, and *Roodenko v. United States*, No. 947, this Term, certiorari denied, March 26, 1945. See also *Kramer v. United States*, No. 1034, which is now pending

upon petition for certiorari. In our briefs in opposition in those cases we have set forth the considerations which in our view demonstrate the unsoundness of petitioner's contentions. For the argument in support of our position, the Court is respectfully referred to those briefs.

Accordingly, we respectfully submit that the petition for a writ of certiorari should be denied.

CHARLES FAHY,

Solicitor General.

TOM C. CLARK,

Assistant Attorney General.

IRVING S. SHAPIRO,

ROBERT S. ERDAHL,

Attorneys.

APRIL 1945.

